Supreme Court, U.S.
FILED
05-9[illegible] JAN 4 - 2006
OFFICE OF THE CLERK

No.

In the

Supreme Court of the United States

Alexey Leonichev & Victoria Leonichev, – *Petitioners*

v.

US District Court, Central District of California – *Respondent*

US Court of Appeal for Ninth Circuit – *Respondent*

Valley Presbyterian Hospital – *Respondent*

On Petition for Writ of Certiorari
To The US District Court Central District of California
To The US Court of Appeals for the Ninth Circuit

PETITION FOR WRIT OF CERTIORARI

Alexey Leonichev & Victoria Leonichev –
Plaintiffs – Petitioners (Pro Se)
5260 Corteen Place #3, Valley Village, CA 91697,
Phone/Fax: (818) 760-0882

QUESTION PRESENTED FOR REVIEW

1. Petitioners Alexey Leonichev & Victoria Leonichev seek **Writ of Certiorari** for purposes:

2. Petitioners pray before Supreme Court to Reopen Civil District Court Cases CV04-7066; CV04-10373 & CV05-725 and three Appeals 05-55145, 05-55404 & 05-55780 as **terminated without due process of Law: without Judicial dispositions**.

3. Petitioners pray before Supreme Court to **annul all filing** in District Court Cases CV04-7066; CV04-10373 & CV05-725 and Appeals 05-55145, 05-55404 & 05-55780 **filed by very single falsely appeared Defendant – illegal corporation Valley Presbyterian Hospital**, who represented by **illegally acting partnership** "Musick, Peeler & Garrett LLP"

4. Petitioners pray before Supreme Court to Enter Defendants' Defaults':

a) CV04-7066RSWL – Default, which occurred at 12:00pm on 09/14/04 against Defendant Valley Presbyterian Hospital;

b) CV04-10373SJO – Default, which occurred at 12:00pm on 01/11/05 against Defendant Valley Presbyterian Hospital;

c) CV05-725GPS – Default, which occurred at 12:00pm on 04/09/05 against Defendant Valley Presbyterian Hospital.

PARTIES

Alexey Leonichev & Victoria Leonichev	–	Plaintiffs - Petitioners (Pro Se)
US District Court, Central District of California	–	Respondent
Court of Appeal for Ninth Circuit	–	Respondent
Valley Presbyterian Hospital	–	Respondents

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1. OPINIONS & ORDERS BY LOWER COURTS

1.1 OPINIONS & ORDERS BY APPEALS COURT

(a) Unlawful termination of 12/21/05 of appeals cases 05-55145, 05-55404 and 05-55780 is not evidenced by any written disposition[1] (*provision Sec.4.5(a) General Orders of US Court of Appeals for 9th Circuit*)[1], so any reports (*official or unofficial*) of the **opinions and orders just do not exist** and therefore not included in undersigned petition. Moreover 9th Court of Appeals official web page: "*http://www.ca9.uscourts.gov/ca9/newopinions.nsf/04485f8dcbd4e1ea882569520074e698/6f829ff53802ca90882570dd007dddd9?OpenDocument*" – clear indicates: "**12/21/05 – NO OPINION FILED TODAY**"

(b) Three Docket records of 12/21/05 of termination of cases 05-55145, 05-55404 and 05-55780 are based just on unsigned[1] & uncertified[1] Memorandums that are **not binding precedents**[4]. Three weeks later (01/12/06) mentioned memorandums were supported by unsigned[2] papers headed "Judgment", but **without indication that those disposed by any judge**.

(c) Based on the all above conclusion can be made that appeals cases 05-55145, 05-55404 and 05-55780 terminated without any written disposition[1]: i.e. unlawfully.

[1] Sec. 4.5(a) General Orders of US Court of Appeals for 9th Circuit: "...the determination of each appeal, ... **shall be evidenced by a written disposition concurred in by a majority of the panel** assigned to act thereon... ...**The majority disposition shall be signed by all members** of the panel concurring therein, **or certified by one of the members** as having been concurred in by such members. Any separate concurring or **dissenting disposition shall be signed by the author or certified by one of the members of the panel** as having been prepared by the author thereof.

[2] Rule 36(a) FRAP: "A judgment is entered when it is noted on the docket. The **clerk must prepare, sign, and enter the judgment**..."

[3] Circuit Rule 36-3(a): "Not Precedent: Unpublished dispositions and orders of this Court are **not binding precedent**..."

[4] Sec. 4.3(a) General Orders of US Court of Appeals for 9th Circuit: "A **memorandum disposition cannot be cited as precedent**..

1.2 OPINIONS & ORDERS BY DISTRICT COURT

a) **Case CV04-7066RSWL**. After obstruction of Defendant's Default which occurred at 00:00am on 09/15/04, District Court case CV04-7066RSWL (*refers to appeal 05-55145*) unlawfully [6&7&8] terminated 01/03/05 by Deputy Clerk Madelina Guerrero, who has violated L.R. 58-4 [6&7&8] and made records #35 & #53 in civil Docket without due process of Law: without signed court order[6&7&8]. **Unsigned** Order (*docket entry #53*), is made on behalf of Judge Ronald S.W. Lew (*who at that time was already Defendant in related Case CV04-10373*) **instead of judge signature contains stamp**:

RONALD S.W. LEW

RONALD S.W. LEW
United States District Judge

b) **Case CV04-10373SJO**. Minutes of 01/24/05 by judge S. James Otero (*docket record #57*) indicates: "*The parties are advised that Defendant Valley Presbyterian Hospital's* ***Motion to dismiss action*** *for failure state a valid claim or, alternatively, request or more definite statement of claims, scheduled for hearing on February 7, 2005, is* ***taken under submission***. *Accordantly, the* ***hearing date is vacated***. *Order will issue.*" So, **hearing never happened**. On February 16, without hearing, Deputy Clerk "ir" has filed

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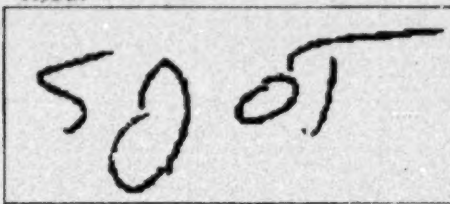
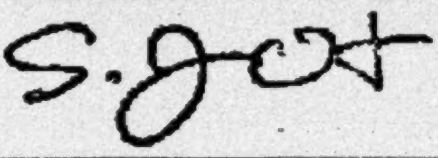
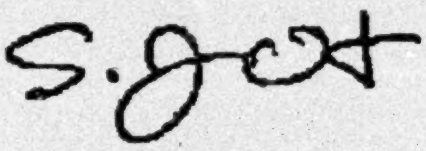
[6] ***L.R. 58-1.*** The entry of judgments and orders by the Clerk through notation in the appropriate civil docket...

[7] ***L.R. 58-4***. Entry of judgments or orders shall not be made by the Clerk until the Court has settled the form of judgment or order...

[8] ***L.R. 58-6***. **Notation in the civil docket of entry** of a memorandum of decision, an opinion of the Court, or a minute order of the Clerk **shall not constitute entry of judgment**...

unsigned Order to dismiss Case CV04-10373SJO (*docket record* #77). Very next day 02/17/05 somebody has **signed this already filed Order by false signature of** Judge S. James Otero. False signature dated one day later than Order was filed.

	**False Signature** from Order #77 Granting Defendant's Motion to Dismiss case
	True Signature of judge S. James Otero from Order #44 case CV04-10373
	**True Signature** of judge S. James Otero from Standing Order (Docket Entry #3)
	**True Signature** of judge S. James Otero from Order #7 Case CV 05-00725

c) **Case CV05-725GPS** was dismissed by **Minutes of never happened hearing** of 04/25/05 (*docket Entry #36*). prepared by unidentified "preparer" on behalf of Judge George P. Schiavelli without any court order. Calendar of Judge George P. Schiavelli **not indicated any hearing** on 04/25/05, so hearing of 04/25/05 just **never happened**. Judge George P. Schiavelli has **lost authority**[9] proceed with case CV05-725 since 03/03/05, when Plaintiffs have filed motion to disqualify him [provision Sec. 4.0 *(Motion to Disqualify Judge)* District Court General Order 224 [9]].

[9] Sec. 4.0 *(Motion to Disqualify Judge)* District Court General Order 224: "The **judge against whom the motion has been filed shall not proceed with the case until the motion has been heard and determined**."

Motion to disqualify Judge George P. Schiavelli was never heard and determined. Minutes of 05/02/05 prepared by unidentified Deputy (: (*see Appendix*) without court Order do **not constitute judgment** [8] and does not have any legal effect [8].

2. BASIS FOR JURISDICTION IN THIS COURT.

2.1 Undersigned Petition for Writ of Certiorari executed by Petitioners within 90 days period from termination of 12/21/2005 of Appeals 05-55145, 05-55404 & 05-55780.

2.2 Undersigned Petition for Writ of Certiorari (provision Section 1651(a) USC [10]) has purposes to compel District Court and Court of Appeals for Ninth Circuit to stop Obstruction of Justice and falsification of Judicial records and Enter Defaults, which occurred against Defendants in District Court cases CV04-7066RSWL; CV04-10373SJO & CV05-725GPS.

3. CONSTITUTIONAL & LAW PROVISIONS.

Petitioners Alexey & Victoria Leonichev claim reinstatement of their Citizen's Rights for Fair Justice secured by Clause 2 Article VI of US Constitution[11]. Deprivation of mentioned rights caused by obstruction of Justice, falsification of Judicial and avoids due process of Law, repeatedly committed by Court of Appeals for 9th Circuit and District Court of Central District of California.

[8] ***L.R. 58-6***. **Notation in the civil docket of entry** of a memorandum of decision, an opinion of the Court, or a minute order of the Clerk **shall not constitute entry of judgment**...

[10] Sec.1651 Title 28 USC. (a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary ...

[11] Clause 2 Article VI of US Constitution: "Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding... ...all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution."

[12] Sec. 1506 Title 18 US Code: "**Whoever** feloniously steals, takes away, alters, falsifies, or otherwise **avoids any record**, writ, **process**, **or other proceeding**, in any court of the United States, whereby any judgment is reversed, made void, or does not take effect..."

4. STATEMENT OF THE CASE.

4.1 Undersigned Petition for Writ of Certiorari (provision Section 1651(a) USC [10]) has purposes to compel District Court and Court of Appeals for Ninth Circuit to stop Obstruction of Justice and falsification of Judicial records and Enter Defaults, which occurred against Defendants in District Court cases CV04-7066RSWL; CV04-10373SJO & CV05-725GPS.

4.2 As shown materials in the Section 1 of undersigned Petition, three District Court cases CV04-7066RSWL; CV04-10373SJO & CV05-725GPS and three Appeals 05-55145, 05-55404 & 05-55780 were unlawfully terminated without due process of the Law: without Judicial Orders or Judgments. In this unlawful way, District Court and Court of Appeals for Ninth Circuit protected Defendants in District Court cases CV04-7066RSWL; CV04-10373SJO & CV05-725GPS form Defaults, which occurred.

4.3 Case CV04-7066RSWL. Proof of Service (Docket Entry#4) by Registered California Process Server (J. Fitzpatrick, reg. #1606) clear shows that Valley Presbyterian Hospital (Defendant) has been served on 08/25/04 at 2:13 pm by Summons & Complaint. This **FACT** accepted by the Clerk and **never argued by Defendant**. At **10:34** am on 09/**15**/04 Plaintiffs have filed "**Plaintiffs' request to enter Default**" (*Docket #6*), accompanied by **Affidavit**, which **informed Clerk**, that "...**Defendant has filed no answer** or other responsive pleading effectively 09/**14**/04, so allowed for service **20 days period**, provided by Rule 12(a)(1)(A) Federal Rules of Civil Procedures, is **passed** since service of 08/25/04 of the Summons & Complaint. This **FACT** accepted by the Clerk and **never argued by Defendant**. So, **Defendant has failed to plead** during allowed for pleading time. Very next day (09/15/04), Defendant's Default was obstructed by Clerk of Court and Attorney **Kent Alan Halkett**. Docket Entry #9: **Notice of Deficiency** by Deputy Clerk Brent

Pacillas: "The **Clerk cannot enter requested Default** of Valley Presbyterian Hospital for the following reason(s): Request to enter Default and Motion to Dismiss were both filed on 9/15/04. **Request for default** was **filed at 10:34 am** and **motion to dismiss** was **filed at 3:41 pm**. So, on the 21st day (instead of allowed **20 days period**, provided by Rule 12(a)(1)(A) FRCP) and 5 hours after Plaintiffs' Request for Default, Clerk of District Court has accepted "Defendant's Motion to dismiss case" filed by attorney Kent Alan Halkett on behalf of unlawful partnership "Musick, Peeler &Garrett LLP".

4.4 As shown certified records on file, obtained from the California Secretary of State Bruce McPherson: Certificate of Registration of "Musick, Peeler &Garrett LLP" is false Certificate, because contain very single signature of very single authorized Partner Mr. R. Joseph De Briyn, so **not establishes any Partnership**. According Sec. 15501 California Corporation Code: "**A limited partnership is a partnership formed by two or more persons** ..." Name **"Musick, Peeler & Garrett LLP"** – violates Sec. 6132 [13] & Sec. 6158.2 [14] **California Business and Professions Code** because contains misleading information that it is partnership of Elvon Musick (1890-1968), Joseph D. Peeler (1895-1991) and Leroy A. Garrett (1906-1963) – people

[13] Sec. 6132 **California Business and Professions Code**. Any law firm, partnership, corporation, or association which **contains the name of an attorney who is disbarred**, or who resigned with charges pending, in its business name **shall remove the name of that attorney from its business name**, and from all signs, advertisements, letterhead, and other materials containing that name, within 60 days of the disbarrment or resignation.

[14] Sec. 6158.2 **California Business and Professions Code**. The following information shall be presumed to be in compliance with this article for purposes of advertising by electronic media, provided the message as a whole is not false, misleading, or deceptive: (a) Name, including name of law firm, names of professional associates...

who already died so many years ago. They died even **before** The State Bar of California's **Limited Liability Partnership program was established** (January, 1996). So, is Mr. R. Joseph De Briyn Partner himself or pretend to be partner of Elvon Musick (1890-1968), Joseph D. Peeler (1895-1991) and Leroy A. Garrett (1906-1963) – people who already died so many years ago? The answer is very simple: he utilizes Partnership of Musick, Peeler & Garrett as defense attorney who **defends offenders of American people**. So, the page "Toxic Tort" on the "Musick, Peeler & Garrett LLP" company website at http://www.mpgweb.com: "*...**our goal is to quickly dismiss** or otherwise resolve the action... ...MP&G's attorneys also have the expertise to **successfully defend** actions involving **products which** have allegedly **caused physical injury**, an **increased risk of cancer**, **immunological disorders**, **DNA damage** and/or **birth defects***". Are they doing this business legally? In the Cases CV04-7066; CV04-10373 & CV05-725 they did this illegally, more exactly – **Court did instead of them**. **District Court** acted as one of the "Musick, Peeler & Garrett LLP" employee, **Quickly & Successfully Dismissed** Cases CV04-7066; CV04-10373 & CV05-725 – **actions** involving products which have allegedly caused Physical Injury, an Increased Risk of Cancer, Immunological Disorders, DNA Damage and/or Birth Defects. Two Clerk Deputies "QUICKLY" dismissed Cases CV04-7066; CV04-10373 & CV05-725 even without one Judge's signature. Same thing happened in the Appeals Court, who also without Judge's signature dismissed three Appeals 05-55145, 05-55404 & 05-55780.

4.5 All mentioned above cases Defendants represented by "Musick, Peeler & Garrett LLP". All documents filed by Defendant bearing signature: "**Musick, Peeler & Garrett LLP**, by Kent A. Halkett". Mr. **Halkett never signed even one single document on behalf of himself**; he

pretends that acting on behalf of partnership of Musick, Peeler & Garrett. Probably it is so convenient and safe to be **employee of the dead people**.

4.6 District Court Cases CV04-7066; CV04-10373 & CV05-725 and three Appeals 05-55145, 05-55404 & 05-55780 not content any record that Mr. **Kent Alan Halkett** ever has filed Form AO 458 or another form of Appearance. All papers, filed by Mr. Kent A. Halkett is not certified "to the best of person's knowledge" as required Rule 11(b) FRCP [15] and **OVERLOADED BY FALSE**. For example, Notice of Motion to dismiss case CV04-7066RSWL falsely states: "The Motion is made following the conference of the Hospital's counsel and Plaintiffs pro se, pursuant to Local Rule 7-3, which took place on September 13, 2004" **Mentioned conference was never happened** and furthermore – was impossible on September 13, so far as on September 13 Defendant not appeared in the action yet.

4.7 It should be noted that utilization of dead souls for the legal operations – is not new invention. Such phenomena have long time historical experience and criticized so many times in literature [15].

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[15] "Dead Souls", *by N.Gogol, Russian writer, 1809-1852*

"But may I ask HOW you desire to purchase those peasants?" *asked Manilov*. "With land, or merely as souls for transferment--that is to say, by themselves, and without any land?" "I want the peasants themselves only," *replied Chichikov*. "And **I want dead ones at that**." "What?--Excuse me, but I am a trifle deaf. Really, your words soundmost strange!" "**All that I am proposing to do," replied Chichikov, "is to purchase the dead peasants who, at the last census, were returned by you as alive**." "So," went on Chichikov, "if no obstacle stands in the way, we might as well proceed to the completion of the purchase." "**What? Of the purchase of the dead souls?**" "Of the 'dead' souls? Oh dear no! **Let us write them down as LIVING ones, seeing that that is how they figure in the census returns**. Never do I permit myself to step outside the civil law, great though has been the harm, which that rule has wrought me in my career. In my eyes an obligation is a sacred thing. In the presence of the law I am dumb."

4.8 As shown certified records on file, obtained from the California Secretary of State Bruce McPherson: Initial Articles of Incorporation C0347317 clearly show that Valley Presbyterian Hospital – Olmstead Memorial was created 10/01/1948 by H. Morgan Galbreth, C. Harold Hopkins and Charles E. McDowell. Amendment of 02/18/1957 does **not contain signatures of members entitles to vote** and signed by **self elected** President Martin E. Pollard and Secretary Stuart Bankhardt. **Referred place for signatures of members entitles to vote** are **empty**, therefore Amendment of 02/18/1957 – is not legitimate amendment. Followed other three amendments of 09/17/1962, 02/13/1967 and 01/20/1982 also not contain signatures of elected members, therefore also not legitimate. **There no any records that Mr. Robert C. Bills has been ever elected as CEO** and **Mr. Stuart M Solomon has been ever elected as Secretary**, so Statements of Information filed 02/16/2005 and 08/26/2002 with California Secretary of State – are **false** and actions **Mr. Robert C. Bills** and **Mr. Stuart M Solomon** exactly match definition of **felony under Sec. 2254 California Corporation Code** [16].

5. DIRECT ARGUMENT.

5.1 District Court Cases CV04-7066; CV04-10373 & CV05-725 and three Appeals 05-55145, 05-55404 & 05-55780 were **terminated without due process of Law: without Judicial dispositions**. There is no even evidence that District or Appeals Court disagree with this: they just quietly continue to force army of Clerk's Deputies to falsify judicial record. Judges just remain silence.

[16] Sec. 2254 California Corporation Code. **Every director, officer or agent of any corporation**, domestic or foreign, is **guilty of a felony** (a) **who knowingly concurs in making, publishing or posting** either generally or privately to the shareholders or other persons (1) **any written report, exhibit, statement** of its affairs or pecuniary condition or notice **containing any material statement which is false**...

5.1 Falsification of judicial record started 09/16/04 by Deputy Clerk Brent Pacillas who has issued false Notice of Deficiency respectively to the **Default, which occurred in the District Court Case CV04-7066RSWL at 00:00 am 9/15/04**: "The **Clerk cannot enter requested Default** of Valley Presbyterian Hospital for the following reason(s): Request to enter **Default and Motion to Dismiss were both filed on 9/15/04**. **Request for default** was **filed at 10:34 am** and **motion to dismiss** was **filed at 3:41 pm**." Where is deficiency of default? Why the Clerk cannot enter Default? The default is occurred and must be entered. Neither District, nor Appeals or Supreme Courts have discretion to decide whether or not Rules 55(a) & 12(a)(1)(A) FRCP should be executed. This is the Law. Court does not have power to change the Law or create a new one. According to Section 1 Article I US Constitution: "**All legislative Powers herein granted shall be vested in a in a Congress**..." Court – is not Congress. According to Canon 2(A) **Code of Conduct for United States Judges**: "A **judge should respect and comply with the law**". Clause 2 Article VI of US Constitution clear states: "**Judges** *in every State shall* **be bound thereby**, **any Thing in the Constitution or Laws** *of any State to the* **Contrary notwithstanding**... ...*all executive and* **judicial Officers**, both **of the United States** *and of the several States, shall be* **bound by Oath or Affirmation, to support this Constitution**".

5.2 As already shown in undersigned petition, falsification of Default committed with participation of **Kent Alan Halkett**, who represented himself as employee of dead people acting on behalf of falsely personalized management of Valley Presbyterian Hospital. Therefore, **all filing** in District Court Cases CV04-7066; CV04-10373 & CV05-725 and Appeals 05-55145, 05-55404 & 05-55780 filed by illegal corporation Valley Presbyterian Hospital **must be stricken as illegal filing**.

5.3 Do not be so naïve to believe that Deputy Clerk together with attorney can obstruct justice themselves and without judicial support. All obstructions of justice directed by Court. Transcript of hearing of 10/25/04 by Court Reporter SHERI S. KLEEGER demonstrates that: "THE COURT: *Any further argument for the movant?* MR. HALKETT: *Only to the extent if Your Honor is inclined not to grant the motion, I would like to address whatever issues the Court has. Otherwise, I'm fine with the papers submitted including the reply brief.* THE COURT: *How can a lawyer make that kind of conditional statement to the Court? What kind of response do you want me to give you?* MR. HALKETT: *Nothing, Your Honor.*"

5.4 District Court has **failed explain why "The Clerk cannot enter Default**, which is certainly occurred. Transcript of hearing of 10/25/04 by Court Reporter SHERI S. KLEEGER demonstrates that: "Mr. LEONICHEV: *The motion has been moved by the person who has not been an attorney, at the time when the motion was moved. He was assigned an attorney just the next day. And this is the first. The second, I still have not received final decision about – regarding deficiency.*" **COURT**: *...I have read your papers. It's garbled. The complaint is garbled and unclear. I will tell you this: I'm not going to ask you to respond either Mrs. Leonichev. I read the papers in this case.* ***I'm going to grant the motion...***"

5.5 Which motion Court has promised to grant? – Defendant's motion to dismiss case, because Mr. Kent A Halkett and Judge Ronald S.W. Lew, who with prestigious University education and after huge Law experience still unable to understand following: "*Viktoriya Leonicheva... ...has been fired on April 16, 2004 in Respond for Preliminary Report of 03/17/04, which states, that Viktoriya Leonicheva is Qualified Injured Worker with musculoskeletal injury and may not return to her job. ...Viktoriya has been fired on the Fifteenth Day after*

04/02/04, when her Employer has received Victim's new Claim Form of 04/02/04 regarding Secondary Consequences of Chemical Exposure. Medical Exams... ...discovered undesired Consequences for Viktoriya's Health after Hazardous Exposure...: Chronic fatigue immune deficiency, Coagulopathy petechiae on skin, Reactive airway disease, Toxic leukoencephalopathy *(supported by neurological antibodies), Elevated myelin & neurotransmitter antibodies, Prohibition for Pregnancy at this time. Viktoriya's lab test (solvent panel) indicates (by extrapolation) following levels of hazardous chemicals in Viktoriya's body at the time of exposure: Hippuric Acid (toluene metabolite) – 4.8; Phenol (benzene metabolite) – 88mg/L; Acetone – 4 mg/L."*(citations from Plaintiffs' Complaint Case CV04-7066). "**I have read your papers. It's garbled. The complaint is garbled and unclear**" – told Hon. Ronald S.W. Lew to the Plaintiffs.

5.6 As already shown in undersigned Petition, District Court Cases CV04-7066; CV04-10373 & CV05-725 and three Appeals 05-55145, 05-55404 & 05-55780 must be reopened because **terminated without due process of Law: without Judicial dispositions**. **VERY SINGLE** defendant, who has appeared in all mentioned above cases – is illegal corporation Valley Presbyterian Hospital, who represented by **illegally acting partnership** "Musick, Peeler & Garrett LLP" and therefore **all papers, filed by defendant Valley Presbyterian Hospital** in District Court Cases CV04-7066; CV04-10373 & CV05-725 and three Appeals 05-55145, 05-55404 & 05-55780 – **must be annulled as illegal**. Default occurred against Defendants must be entered.

6. PRAY FOR RELIEF.

6.1 Petitioners pray before Supreme Court to Reopen Civil District Court Cases CV04-7066; CV04-10373 & CV05-725 and three Appeals 05-55145, 05-55404 & 05-

55780 as **terminated without due process of Law: without Judicial dispositions**.

6.2 Petitioners pray before Supreme Court to **annul all filing** in District Court Cases CV04-7066; CV04-10373 & CV05-725 and Appeals 05-55145, 05-55404 & 05-55780 **filed by very single falsely appeared Defendant – illegal corporation Valley Presbyterian Hospital**, who represented by **illegally acting partnership** "Musick, Peeler & Garrett LLP"

6.3 Petitioners pray before Supreme Court to Enter Defendant Defaults:

a) CV04-7066RSWL – Default, which occurred at 00:00am on 09/15/04 against Defendant Valley Presbyterian Hospital;
b) CV04-10373SJO – Default, which occurred at 00:00am on 01/12/05 against Defendant Valley Presbyterian Hospital;
c) CV05-725GPS – Default, which occurred at 00:00am on 04/10/05 against Defendant Valley Presbyterian Hospital.

7. DECLARATION

Undersigned Petition does not exceed 30 (thirty) pages.

We, undersigned Petitioners Alexey Leonichev & Victoria Leonichev declare under penalty of perjury under the Laws of the United States that the facts in undersign Petition are true and correct to the best of our knowledge.

Victoria Leonichev, **Petitioner**

Alexey Leonichev, **Petitioner**

01/21/2006

Appendix

1. Unsigned Memorandum for appeal 05-55145

FILED
Dec 21 2005
Cathy A. Catterson, Clerk U.S. Court Of Appeals

Not For Publication
United States Court Of Appeals
For The Ninth Circuit

Alexey Leonichev; Victoria Leonichev, Plaintiffs - Appellants, v. Valley Presbyterian Hospital, Defendant - Appellee.	No. 05-55145 D.C.No.CV-04-07066RSWL MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Ronald S.W. Lew, District Judge, Presiding
Submitted December 5, 2005**

Before: SILVERMAN, W. FLETCHER, and BEA, Circuit Judges.

Alexey and Victoria Leonichev appeal pro se the district court's order dismissing their action against Mrs. Leonichev's former employer, Valley Presbyterian Hospital. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review for abuse of discretion a dismissal for failure to follow a court order. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992), and we affirm. The district court did not abuse its discretion in dismissing Appellants' action for failure to file a timely amended complaint. *See id.* at 1260-62. The record demonstrates that the district court described in detail the complaint's inadequacies and warned Appellants that failure to file an amended complaint would result in dismissal. *See Edwards v. Marin*

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Park, Inc., 356 F.3d 1058, 1064- 65 (9th Cir. 2004)
"The failure of the plaintiff eventually to respond to the court's ultimatum--either by amending the complaint or by indicating to the court that it will not do so--is properly met with the sanction of a Rule 41(b) dismissal.").
Appellants' remaining contentions lack merit. We grant Appellee's request for judicial notice. We deny all pending requests for costs and attorney's fees, without prejudice to the filing of such motions in accordance with Fed. R. App. P. 38 and Ninth Circuit Rule 39-1.
All other pending motions are denied.
The docket shall reflect Appellants' new names.
AFFIRMED.

2. Unsigned Judgment for appeal 05-55145

Alexey Leonichev; Victoria Leonichev, Plaintiffs - Appellants, v. Valley Presbyterian Hospital, Defendant - Appellee.	No. 05-55145 D.C.No.CV-04-07066RSWL **JUDGMENT**

Appeal from the United States District Court for the Central District of California, Los Angeles

This cause came on to be heard on the Transcript of the Record from the United States District Court for the Central District of California, Los Angeles and was duly submitted. On Consideration whereof, it is now here ordered and adjudged by this Court, that judgment of the said District Court in this cause be, and hereby is AFFIRMED

Filed and entered 12/21/05

3. Unsigned Memorandum for appeal 05-55404

FILED
Dec 21 2005
Cathy A. Catterson, Clerk U.S. Court Of Appeals

Not For Publication
United States Court Of Appeals
For The Ninth Circuit

Alexey Leonichev; Victoria Leonichev, Plaintiffs - Appellants, v. Valley Presbyterian Hospital, et al.,Defendants - Appellees.	No. 05-55404 D.C.No.CV-04-10373-SJO MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
S. James Otero, District Judge, Presiding
Submitted December 5, 2005**

Before: SILVERMAN, W. FLETCHER, and BEA, Circuit Judges.

Alexey and Victoria Leonichev appeal pro se the district court's order dismissing for failure to state a claim their action alleging obstruction of justice in the course of their prior action against Valley Presbyterian Hospital. We have jurisdiction pursuant to 28 U.S.C. § 1291. After de novo review, *Navarro v. Block*, 250 F.3d 729, 731 (9th Cir. 2001), we affirm.

The district court properly dismissed Appellants' action brought under 18 U.S.C. § 241 and other criminal statutes that do not provide for civil liability. *See Aldabe v. Aldabe*,

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** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

616 F.2d 1089, 1092 (9th Cir. 1980). The district court therefore properly concluded that amendment would be futile. *See Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1482 (9th Cir. 1997). We reject Appellants' contention that Judge Otero lacked the authority to dismiss their action because they had filed a motion to disqualify him. Judge Otero did not rule on the motion to dismiss until after Judge Cooper determined that the disqualification motion was meritless in her January 10, 2005 order. *See* 28 U.S.C. § 144 (describing proper bases for disqualifying a judge); *United States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986) (prejudice warranting disqualification must derive from an extrajudicial source; a judge's prior adverse rulings are not sufficient cause for disqualification). appellants' remaining contentions also lack merit. We deny all pending motions. The docket shall reflect Appellants' new names.
AFFIRMED.

4. Unsigned Judgment for appeal 05-55404

Alexey Leonichev; Victoria Leonichev, Plaintiffs - Appellants, v. Valley Presbyterian Hospital, et al.,Defendants - Appellees.	No. 05-55404 D.C.No.CV-04-10373-SJO JUDGMENT

Appeal from the United States District Court for the Central District of California, Los Angeles

This cause came on to be heard on the Transcript of the Record from the United States District Court for the Central District of California, Los Angeles and was duly submitted. On Consideration whereof, it is now here ordered and adjudged by this Court, that judgment of the said District Court in this cause be, and hereby is AFFIRMED
Filed and entered 12/21/05

5. Unsigned Memorandum for appeal 05-55780

FILED
Dec 21 2005
Cathy A. Catterson, Clerk U.S. Court Of Appeals

Not For Publication
United States Court Of Appeals
For The Ninth Circuit

Alexey Leonichev; Victoria Leonichev, Plaintiffs - Appellants, v. Valley Presbyterian Hospital, et al., Defendants - Appellees and Sherri R. Carter, Clerk of U.S. District Court, Defendant in individual capacity; et al., Defendants.	No. 05-55780 D.C.No.CV-05-00725-GPS MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George P. Schiavelli, District Judge, Presiding
Submitted December 5, 2005**

Before: SILVERMAN, W. FLETCHER, and BEA, Circuit Judges.

Alexey and Victoria Leonichev appeal pro se the district court's order dismissing their action alleging conspiracy and obstruction of justice against Valley Presbyterian Hospital, the district court clerk, and seven district court judges. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo the district court's dismissal, and we may affirm on any basis supported by the record. *Adams v. Johnson*, 355 F.3d1179, 1183 (9th Cir. 2004). The district court properly dismissed Appellants' action because their vague and conclusory allegations are based

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** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed.R.App.P. 34(a)(2).

on 18 U.S.C. § 241 and other criminal statutes that do not provide for civil liability. *See Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir. 1980). Even when construed as a claim for civil conspiracy, Appellants' complaint lacks factual specificity. *See Sanchez v. City of Santa Ana*, 936 F.2d 1027, 1039 (9th Cir. 1990). Finally, all of the federal defendants are entitled to absolute judicial immunity for their judicial or quasi-judicial actions. *See Moore v. Brewster*, 96 F.3d 1240, 1244 (9th Cir. 1996). Appellants' remaining contentions lack merit. We grant amicus United States' motion to file late its brief. The clerk shall file the amicus brief received on October 13, 2005. All other pending motions are denied. The docket shall reflect Appellants' new names.

AFFIRMED.

6. Unsigned Judgment for appeal 05-55780

Alexey Leonichev; Victoria Leonichev, Plaintiffs - Appellants, v. Valley Presbyterian Hospital, et al., Defendants - Appellees and Sherri R. Carter, Clerk of U.S. District Court, Defendant in individual capacity; et al., Defendants.	No. 05-55780 D.C.No.CV-05-00725-GPS JUDGMENT

Appeal from the United States District Court for the Central District of California, Los Angeles

This cause came on to be heard on the Transcript of the Record from the United States District Court for the Central District of California, Los Angeles and was duly submitted. On Consideration whereof, it is now here ordered and adjudged by this Court, that judgment of the said District Court in this cause be, and hereby is AFFIRMED

Filed and entered 12/21/05

7. Notice of Deficiency, which does not constitute any deficiency

United States District Court Central District Of California

Oleksiy Leonichev, Viktoriya Leonicheva Plaintiff(s), v. Valley Presbyterian Hospital Defendant(s).	CASE NUMBER CV04-7066 RSWL (ex)
	NOTICE OF DEFICIENCY DEFAUL/DEFAULT JUDGMENT

PLEASE TAKE NOTICE:

The Clerk cannot enter the request **Default** of Valley Presbyterian Hospital for the following reason(s)

X Request to enter default and Motion to Dismiss were both filed on 9/15/04. Request for default was filed at 10:34 a.m. and motion to dismiss was filed at 3:41 p.m.

X Request forwarded to assigned Judge for consideration

X Requesting party shall file a new Request/Application with noted deficiencies corrected **in order to have default reconsidered.**

DOCKETED ON CM
SEP 16 2004
BY (initials) 005

CLERK OF COURT
By Brent Pacillas
(signature) Deputy Clerk

8. Unsigned Order for CV 04-7066 RSWL (Ex)

United States District Court Central Dictrict Of California

Oleksiy Leonichev and Viktoriya Leonicheva, Plaintiffs, v. Valley Presbyterian Hospital, Defendant.

CV 04-7066 RSWL (Ex)

ORDER

On October 25, 2004, a hearing was held before this Court on Defendant's motion to dismiss or, alternatively, request for more definite statement of claims. Having considered all papers and argument in this matter, the Court orders as follows:

As to Plaintiffs' first cause of action for what appears to be a violation of the Occupational Safety and Health Act, the Court finds that Plaintiffs lack standing to assert such a violation as the Secretary of Labor has the sole responsibility to enforce the Act. Accordingly, Defendant's motion to dismiss Plaintiffs' first cause of action is **GRANTED.**

As to Plaintiffs' second cause of action for "musculoskeletal injuries" under the California Labor Code, the Court finds that Plaintiffs' claim is barred by California's Workers' Compensation Act's exclusive remedies provisions. Accordingly, Defendant's motion to dismiss Plaintiffs' second cause of action is **GRANTED.**

As to Plaintiffs' third cause of action for what appears to be a violation of the Emergency Planning and Community Right-to-Know Act, Title 42, United States Code, Section 11001, the Court finds that the claim is barred because Plaintiffs have not provided the sixty days notice of the violation as required by Section 11046 (d) of the statute. Accordingly, Defendant's motion to dismiss Plaintiffs' third cause of action is **GRANTED.**